

III. Claim 43, drawn to a method for preparing a dry IL-4R powder.

II. Response to the Restriction Requirement:

In response, Applicants hereby elect Group 1, claims 1-40, *with traverse*.

Traverse is premised on the ground that a combined search of Groups I, II and III does not impose an undue burden on the Examiner. As stated in the Manual of Patent Examining Procedure (M.P.E.P),

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

See M.P.E.P. Section 803. Here, Groups I, II and III can be search and examined without imposing an undue burden on the Examiner since all the claims relate to novel spray dried powders of IL-4R. Consequently, reconsideration and removal of the requirement for restriction is respectfully requested.

III. Conclusion:

In view of the foregoing, Applicants submit that the pending claims satisfy the requirements of patentability and are therefore in condition for allowance. Consequently, a prompt mailing of a Notice of Allowance is earnestly solicited.

If a telephone conference would expedite the prosecution of the subject application, the Examiner is requested to contact the undersigned at (650) 620-5506.

Respectfully submitted,
Nektar Therapeutics

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